

- UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

3. **Personnel files of New York City employees.** These personnel files, excluding disciplinary files obtainable by FOIL, can be designated “confidential.” See *Duling v. Gristede’s Operating Corp.*, 266 F.R.D. 66, 73 (S.D.N.Y. 2010) (citing cases that allow personnel files to be covered by a protective order). Any challenge to another party’s designation of confidentiality shall be governed by Paragraph 3 of the Court’s Form Stipulation and Proposed Protective Order, which has been incorporated in the parties’ proposed protective order.
4. **Body camera footage and portions of NYPD policy and training documents.** Defendants may designate these documents “confidential” and must timely produce. Any challenge to another party’s designation of confidentiality shall be governed by Paragraph 3 of the Court’s Form Stipulation and Proposed Protective Order, which has been incorporated in the parties’ proposed protective order.

If Defendants designate any documents confidential without a good faith basis, I may apportion costs under Federal Rules of Civil Procedure 16 and 37(a)(5)(A)-(C), 28 U.S.C. § 1927, and/or the Court’s inherent authority. The parties are warned again that failure to cooperate in future discovery may also result in the apportioning of costs under the same provisions.

The parties are directed to file a revised proposed protective order consistent with this Order by **September 23, 2020**.

The Clerk of Court is respectfully requested to close ECF 110.

SO ORDERED.

Dated: September 16, 2020
New York, New York

s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge